

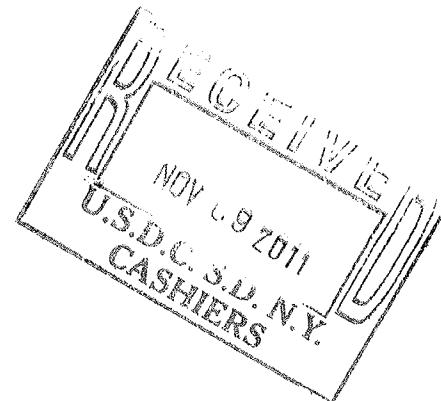
11 MISC 00398

Jeff Sanders, Esq. (NY SBN 2696664)

e-mail: [jsanders@rlscf.com](mailto:jsanders@rlscf.com)

Ritholz Levy Sanders Chidekel & Fields LLP  
235 Park Avenue South, 3<sup>rd</sup> Floor  
New York, New York 10003  
Telephone: (212) 448-1800  
Facsimile: (212) 504-9553

*Attorneys for Third Parties Katherine Bergstrom,  
Susan Jacobs and Yaniv Schulman*



**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

<p>Threshold Media Corporation d/b/a/ SpinMove Records,</p> <p>Plaintiff,</p> <p>v.</p> <p>Relativity Media LLC, et al.</p> <p>Defendants.</p> <hr/> <p>In re Motion to Quash and/or for Protective Order</p>	<p>Miscellaneous Case No. _____</p> <p>Pending in the United States District Court for the Central District of California as Civil Action No. CV-10-9318 (DMG) (AJW)</p> <p style="text-align: center;"><b>NOTICE OF MOTION TO QUASH THIRD PARTY SUBPOENAS AND/OR ENTER PROTECTIVE ORDERS</b></p>
---	---

PLEASE TAKE NOTICE that, upon the Declaration of Jeff Sanders, Esq., dated November 8, 2011 and the exhibits annexed thereto and submitted therewith, and the accompanying Memorandum of Law in Support of the Third Parties' Motion to Quash and/or for Protective Orders; and upon all prior pleadings and proceedings in this action, third parties Katherine Bergstrom, Susan Jacobs and Ariel Schulman shall move this Court, at the United States Courthouse located at 500 Pearl Street, New York, New York, Courtroom \_\_\_, on

December 13, 2011 at 10 a.m., or such other date and time as is convenient for the Court for an order:

- (i) with respect to Bergstrom, quashing the Subpoena served on her on October 26, 2011 (the “Bergstrom Subpoena”) in its entirety, (x) pursuant to Fed. R. 26(c), on the ground that she has no knowledge of any facts that are relevant to claims or defenses in the underlying action and (y) pursuant to Fed. R. Civ. Pro 45(c)(A)(3)(i) on the ground that the Bergstrom Subpoena fails to allow her a reasonable time to comply; and/or entering a protective order limiting Ms. Bergstrom’s testimony and document production to her actual knowledge of collusion, collaboration or agreement between Ariel Schulman and/or Henry Joost (the “Filmmakers”) on the one hand and Angela Wesselman on the other hand, regarding Ms. Wesselman’s upload of recordings of the song *All Downhill From Here* (“Downhill” or the “Song”) on her Facebook page and asserting that she wrote and/or recorded the Song;
- (ii) with respect to Schulman, (i) quashing the Subpoena served on her on October 26, 2011 (the “Jacobs Subpoena”) pursuant to Fed. R. Civ. Pro 45(c)(A)(3)(i) on the ground that the Jacobs Subpoena fails to allow her a reasonable time to comply; and/or entering a protective order, pursuant to Fed. R. Civ. Pro. 26 (c) limiting Ms. Jacobs’ testimony and document production to her actual knowledge of the financial terms of music licensing transactions entered into in connection with the documentary motion picture *Catfish*.
- (iii) With respect to Schulman, quashing the Subpoena served on him on October 31, 2011 (the “Schulman Subpoena”) pursuant to Fed. R. Civ. Pro

45(c)(A)(3)(i) on the ground that the Schulman Subpoena fails to allow him a reasonable time to comply; and/or (ii) entering a protective order, pursuant to Fed. R. Civ. Pro. 26 (c) limiting Mr. Schulman's testimony and document production to collusion, collaboration or agreement between the Filmmakers and Angela Wesselman regarding Ms. Wesselman's upload of recordings of the Song on her Facebook page and asserting that she wrote and/or recorded the Song; and

(iv) granting such other and further relief as this court shall deem just and proper.

Counsel for the Movants and Plaintiff have attempted in good faith to resolve the disputes raised on this Motion, but have been unable to reach an agreement to do so.

Dated: New York, New York  
November 8, 2011

Respectfully submitted,

RITHOLZ LEVY SANDERS  
CHIDEKEL & FIELDS LLP

By: \_\_\_\_\_

  
Jeff Sanders  
235 Park Avenue South, 3<sup>rd</sup> Floor  
New York, New York 10003  
Tel: (212) 448-1800  
Email: [jsanders@rlscf.com](mailto:jsanders@rlscf.com)

*Attorneys for Third Parties Katherine Bergstrom, Susan Jacobs and Yaniv Schulman*